

**SATURDAY, JANUARY 16, 1999**

**FIRST LEGISLATIVE DAY**

In accordance with Article II, Section 8 of the Constitution of the State of Tennessee, and pursuant to Senate Joint Resolution No. 3, the House of Representatives of the One Hundred First General Assembly met in Regular Session at 10:50 a.m. and was called to order by Mr. Speaker Naifeh.

**ROLL CALL**

The roll call was taken with the following results:

Present .....97

Representatives present were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargett, Hargrove, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

**EXCUSED**

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Harwell; personal reasons.

Representative Rhinehart; personal reasons.

**SPONSORS ADDED**

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

**House Joint Resolution No. 7:** Rep(s). Garrett and Head as prime sponsor(s).

**MESSAGE FROM THE SENATE  
January 16, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 16; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**Senate Bill No. 16** -- Lincoln County - Subject to local approval, authorizes referendum on new hospital facility in Fayetteville. by \*Cooper. (HB11 by \*Phillips, \*Fowlkes)

**INTRODUCTION OF BILLS**

On motion, the following bills were introduced and passed first consideration:

**House Bill No. 27** -- Taxes, Exemption - Exempts from sales and use tax sale of food at state fair for consumption at fair; only applies if person does not regularly sell such food or regularly sells it but only during temporary sales period which occurs no more than twice a year. Amends TCA Section 67-6-102 and Title 67, Chapter 6, Part 3. by \*Bone.

**House Bill No. 28** -- Housing - Adds Trousdale County to those counties authorized to remedy dangerous conditions, including overgrown vegetation and accumulated debris, on owner-occupied lands. Amends TCA Section 5-1-115. by \*Bone.

**House Bill No. 29** -- Housing - Authorizes county legislative bodies to provide for removal of vegetation and debris from dilapidated buildings or structures on owner-occupied parcels of land. Amends TCA Section 5-1-115. by \*Bone.

**House Bill No. 30** -- Motor Vehicles - Reduces time from 90 to 30 days within which motor vehicle towing firms and storage yards must notify owners and lienholders of impoundment. Amends TCA Section 55-23-104; Section 55-23-103 and Section 66-19-103. by \*Bone.

**\*House Bill No. 31** -- Taxes, Business - Prohibits imposition of business tax by county and/or municipality where business is domiciled on work performed in a jurisdiction outside county or municipality of domicile if jurisdiction where work was performed has not levied business tax. Amends TCA Title 67, Chapter 4, Part 7. by \*Cole (Dyer).

**\*House Bill No. 32** -- Highway Signs - "Milo Lemert Parkway," segment of S.R. 392, Crossville. by \*Walker (Rhea), \*Curtiss.

**House Bill No. 33** -- Alcoholic Beverages - Authorizes federally chartered tax-exempt veterans' organizations to sell liquor by the drink for consumption on organization's premises without obtaining license. Amends TCA Title 57, Chapter 4. by \*Lewis.

**\*House Bill No. 34** -- Criminal Offenses - Broadens prohibited contraband to include items designated contraband in penal institutions' written policy if such policy displayed at all entrances to penal institution. Amends TCA Section 39-16-21. by \*Newton.

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**\*House Bill No. 35** -- Litter Control - Standardizes exemption for hauling loose materials in highway and criminal laws. Amends TCA Section 39-14-503. by \*Head.

**\*House Bill No. 36** -- Ethics - Conforms filing date for computing time when filing conflict of interest statements to that required for financial disclosure statements and for calculating date when filing date falls on a Saturday, Sunday or legal holiday. Amends TCA Title 8, Chapter 50, Part 5. by \*Head.

**House Bill No. 37** -- Foster Care - Provides that unless it is in best interest of child that biological parents have contact with foster parents, names and addresses of foster parents shall not be disclosed. Amends TCA Section 37-2-415. by \*McDonald, \*Black.

**\*House Bill No. 38** -- Motor Vehicles, Titling and Registration - Revises fees due to county clerk for issuing titles to motor vehicles. Amends TCA Title 55, Chapter 6. by \*Eckles, \*Hood, \*Beavers.

**\*House Bill No. 39** -- Highway Signs - "John H. Sallee Memorial Bridge," Florence Road over S.R. 840 in Rutherford County. by \*Eckles, \*Beavers, \*Hood.

**House Bill No. 40** -- Rutherford County - Subject to local approval, expands county purchasing Committee from three to five members to be composed of county executive and four county Commissioners; county executive to serve as ex officio chair. Amends Chapter 421 of the Private Acts of 1943. by \*Eckles, \*Beavers, \*Hood.

**\*House Bill No. 41** -- Bail, Bail Bonds - Repeals provision prohibiting constitutionally elected peace officer, deputy or any county official from acting as professional bondsman. - Repeals TCA Section 40-11-313. by \*Hood, \*Beavers, \*Eckles.

**\*House Bill No. 42** -- Capital Punishment - Prohibits trial court from accepting plea of guilty to charge of first degree murder for 30 days following arraignment without consent of district attorney general; allows district attorney general to file notice of intent to seek enhanced punishment following guilty plea at arraignment. Amends TCA Title 39, Chapter 13. by \*Davis (Wash), \*Mumpower, \*Godsey, \*Montgomery, \*Hagood, \*Cole (Carter), \*Bunch, \*Buttry, \*Black, \*Baird, \*Todd, \*Patton, \*Gunnels, \*Sargent, \*Ford S, \*Newton, \*Hargett, \*McDaniel, \*Givens.

**House Bill No. 43** -- Highway Signs - "Senator Tommy Burks Memorial Highway," I-40 from Davidson County to Crossville. by \*Hargrove.

**\*House Bill No. 44** -- Teachers, Principals and School Personnel - Allows waiver to be granted for employment of individual as elementary school guidance counselor who has not obtained certificate endorsement as elementary school guidance counselor under certain conditions. Amends TCA Section 49-6-303. by \*Pruitt.

**\*House Bill No. 45** -- Education - Creates "support our students (sos) program." Amends TCA Title 49, Chapter 1. by \*Brown.

**\*House Bill No. 46** -- Consumer Protection - Exempts county fairs from registration fees and bond requirements for conducting beauty pageant. Amends TCA Section 47-18-202. by \*Givens.

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**House Bill No. 47** -- Motor Vehicles, Titling and Registration - Authorizes issuance of cultural license plate for combat infantrymen (CIB) Amends TCA Title 55, Chapter 4. by \*Givens.

**\*House Bill No. 48** -- Cemeteries - Authorizes county highway departments to provide maintenance on certain non-public access roads to public cemeteries. Amends TCA Title 46, Chapter 3. by \*Givens.

**\*House Bill No. 49** -- Highway Signs - "Hancock County Veterans Memorial Bridge," Clinch River at intersection of S.R. 31, 33 and 66. by \*Givens.

**HOUSE BILLS ON SECOND CONSIDERATION**

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

**House Bill No. 12** -- Trimble -- Local Bill Held on House Desk

**House Bill No. 13** -- Judges and Chancellors -- House Judiciary Committee

**\*House Bill No. 14** -- Pensions and Retirement Benefits -- House Finance, Ways and Means Committee

**\*House Bill No. 15** -- Highways, Roads and Bridges -- House Transportation Committee

**\*House Bill No. 16** -- Motor Vehicles, Titling and Registration -- House Transportation Committee

**House Bill No. 17** -- Bail, Bail Bonds -- House Judiciary Committee

**\*House Bill No. 18** -- Criminal Offenses -- House Judiciary Committee

**House Bill No. 19** -- Criminal Procedure -- House Judiciary Committee

**House Bill No. 20** -- County Government -- House State and Local Government Committee

**\*House Bill No. 21** -- Juries and Jurors -- House Judiciary Committee

**\*House Bill No. 22** -- Judicial Officers -- House Judiciary Committee

**House Bill No. 23** -- Tort Liability -- House Judiciary Committee

**\*House Bill No. 24** -- Pensions and Retirement Benefits -- Caption Bill Held on House Desk

**\*House Bill No. 25** -- Pensions and Retirement Benefits -- Caption Bill Held on House Desk

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**\*House Bill No. 26** -- County Officers -- House State & Local Government Committee

**CONSENT CALENDAR**

**House Bill No. 11** -- Lincoln County - Subject to local approval, authorizes referendum on new hospital facility in Fayetteville. by \*Phillips, \*Fowlkes. (SB16 by \*Cooper) 013e

On motion, House Bill No. 11 was made to conform with **Senate Bill No. 16**; the Senate Bill was substituted for the House Bill.

**House Resolution No. 1** -- Memorials, Personal Achievement - Corinne Gould. by \*Walker (Rhea).

**House Joint Resolution No. 7** -- Memorials, Retirement - Bob Atkins, President and Group Publisher, Middle Tennessee Publishing Company. by \*McDonald.

**House Joint Resolution No. 8** -- Memorials, Personal Occasion - William and Miriam Roberts, 50th Wedding Anniversary. by \*Hargett.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes .....97  
Noes .....0

Representatives voting aye were: Armstrong, Arriola, Baird, Beavers, Bittle, Black, Bone, Bowers, Boyer, Briley, Brooks, Brown, Buck, Bunch, Buttry, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis (Cocke), Davis (Washington), DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Garrett, Givens, Godsey, Goins, Gunnels, Hagood, Hargrove, Harwell, Hassell, Head, Hood, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McCord, McDaniel, McDonald, McKee, McMillan, Miller, Montgomery, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Todd, Towns, Turner (Hamilton), Turner (Shelby), Walker, Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

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**MESSAGE FROM THE SENATE**

**January 16, 1999**

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 3; for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

**SIGNED**

**January 16, 1999**

The Speaker signed the following: Senate Joint Resolution(s) No(s). 3.

**ENGROSSED BILLS**

**January 16, 1999**

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 7 and 8.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ENROLLED BILLS**

**January 16, 1999**

MR. SPEAKER: Your Chief Engrossing Clerk begs leave to report that we have carefully compared House Resolution(s) No(s). 1; and find same correctly enrolled and ready for the signature of the Speaker.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**SIGNED**

**January 16, 1999**

The Speaker signed the following: House Resolution(s) No(s). 1.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

**ROLL CALL**

The roll call was taken with the following results:

Present.....97

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### **RECESS MOTION**

On motion of Rep. Hargrove, pursuant to Senate Joint Resolution No. 3, the House stood in recess until 5:00 p.m., Monday, February 1, 1999.